

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Aaron Rhy Broussard,

No. 22-CV-342 (SRN/ECW)

Plaintiff,

ORDER

v.

Thomas M. Hollenhorst et al.,

Defendants.

Aaron Rhy Broussard, Reg. No. 20944-041, USP-McCreary, U.S. Penitentiary, P.O. Box 3000, Pine Knot, KY, 42635, pro se

SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on the following pro se motions filed by Plaintiff Aaron Rhy Broussard: (1) Motion for Temporary Restraining Order [No. 15] and Motion to Reconsider [Doc. No. 15]; (2) Motion for Temporary Restraining Order [Doc. No. 16] and Motion to Reconsider [Doc. No. 16]¹; and (3) Motion for Recusal [Doc. No. 17].

In the Court's March 11, 2022 Order [Doc. No. 12], the Court dismissed with prejudice and dismissed without prejudice the majority of Plaintiff's claims. (Mar. 11, 2022 Order at 14.) Because many of Broussard's claims in this case related to his then-pending criminal prosecution, the Court further ordered, "To the extent that the remainder of this action seeks monetary relief, it is **STAYED** pending final resolution (including all appeals) of *United*

¹ The Court notes that the documents filed at ECF Nos. 15 and 16 are identical.

States v. Broussard, No. 19-CR-0101 (SRN/ECW) (D. Minn.).” (*Id.*) At such time, Broussard is to inform the Court within 30 days of resolution, including all appeals. (*Id.*)

In the criminal case, *United States v. Broussard*, No. 19-CR-0101 (SRN/ECW) (D. Minn.), the Government charged Mr. Broussard with several crimes, including conspiracy, aiding and abetting the importation of fentanyl, possession with intent to distribute fentanyl, distribution of fentanyl resulting in serious bodily injury and death, distribution of fentanyl resulting in death, distribution of fentanyl resulting in serious bodily injury, possession with intent to distribute controlled substance analogues, and possession with intent to distribute 4-EMC. (19-CR-0101 [Doc. No. 1].) Following an eight-day jury trial, on March 31, 2022, the jury convicted Mr. Broussard on all charges. (19-CR-0101 [Doc. No. 201].) On September 12, 2022, the Court sentenced him to imprisonment for life. (19-CR-0101 [Doc. No. 277].)

Mr. Broussard filed a pro se notice of appeal on September 19, 2022, (19-CR-0101 [Doc. No. 281]), and the Eighth Circuit Court of Appeals docketed his criminal appeal on September 20, 2022. *Broussard v. United States*, No. 22-2980 (8th Cir. Sept. 20, 2022). On September 29, 2022, on the court’s own motion, the Eighth Circuit appointed attorney Robert H. Meyers of the Federal Defender’s Office of the District of Minnesota to represent Mr. Broussard on appeal. On December 28, 2022, the Eighth Circuit extended the deadline for Mr. Broussard’s counsel to file his initial brief to February 2, 2023.

Mr. Broussard’s criminal matter, including all appeals, is therefore pending final resolution, as his direct appeal is in its early stages. Accordingly, pursuant to the terms of the March 11, 2022 Order, this civil lawsuit remains stayed. (Mar. 11, 2022 Order at 14.) Thus, Mr. Broussard’s motions are denied without prejudice.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Pro Se Motion for Temporary Restraining Order [Doc. No. 15] and Motion to Reconsider [Doc. No. 15] are **DENIED WITHOUT PREJUDICE**.
2. Plaintiff's Pro Se Motion for Temporary Restraining Order [Doc. No. 16] and Motion to Reconsider [Doc. No. 16] are **DENIED WITHOUT PREJUDICE**.
3. Plaintiff's Pro Se Motion for Recusal [Doc. No. 17] is **DENIED WITHOUT PREJUDICE**.

Dated: January 11, 2023

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge